

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2321 OF 2006
IN
SUIT NO.1019 OF 1984

Mrs.Helena Levis Rodrigues Plaintiff
V/s.
M/s.Gundecha Builders & Ors. Defendants

Mr.Lilani Shah for Defendant No.1 i support.
Mr.V.R. Tripathi for the Plaintiff to show cause.
Mr.C.D. Patel i/b Kanga & Co. for Defendant No.2.

CORAM : S.J. VAZIFDAR, J.
DATED : 20TH NOVEMBER, 2006.

P.C. :

1. Only as a matter of indulgence and in view of the consent of Defendant No.1, the following order is passed:-

(i). The written statement of Defendant No.1 is taken on record.

(ii). The evidence shall be led by the Commissioner for taking evidence. Mr.Vinod Solanki, an Advocate of this Court is appointed as a Commissioner for taking evidence.

(iii). The evidence shall be recorded

obviously after the issues are framed.

(iv). The affidavit of documents within six weeks. Discovery and inspection forthwith thereafter.

(v). The costs of the Commissioner shall be paid only by Defendant No.1 absolutely and irrespective of the outcome of the suit.

(vi). Defendant No.1 shall pay to the Plaintiff the costs of this Notice of Motion fixed at Rs.10,000/- within two weeks from today.

(viii). The parties may file the affidavits in lieu of examination in chief and documents before the Commissioner who will record the objection, if any, thereto. The parties are at liberty to cross-examine the witnesses without prejudice to such objections.

2. The Notice of Motion is accordingly disposed of.

3. The suit is also disposed of.

Refund as per rules.